

REMARKS

This is in response to the Office Action mailed May 26, 2004.

SUMMARY OF OFFICE ACTION

In the Office Action, Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, based on a view that “the templates” does not have sufficient antecedent basis in the claim and that Claim 3 should depend from Claim 3. Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hagerty et al. (“Hagerty et al. Real Time Discrimination of Battle Field Ordinance Using Remote Sensing Data”, Aerospace Conf. Proc., 2000 IEE, Vol. 3, pages 329-342, 03/2000).

Claim 3 was objected to as being dependent upon a rejected base Claim 1, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, since Claims 4-10 depend from Claim 3, they were objected to as being dependent upon a rejected base claim.

Claim 12 was allowed. Also, Claims 13-22 were allowed based on a view that they depend from Claim 12 which was deemed to be allowable.

The Examiner indicated that the subject matter taught in Claim 11 was not found in prior art but its allowability could not be indicated based on a view that there is insufficient antecedent basis for the claim terms “the templates.”

APPLICANT’S RESPONSE

Claims 1 and 2

In the Office Action, Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Hagerty et al. In response, Applicant has amended Claim 1 to now recite that an immediacy of a threat posed by a plurality of separate objects is determined based on an organizational pattern of the plurality of separate objects.

Hagerty et al. does not disclose such limitation. Rather, Hagerty et al. discloses that an immediacy of a threat is determined for a single object. In support thereof, Applicant respectfully directs the Examiner’s attention to page 3-9 of Hagerty et al. which introduces the subject matter taught in Hagerty et al., namely, that the teachings of Hagerty et al. are

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related to ordinance classification. Page 330 of Hagerty et al. lists some of the ordinances such as mussel flashes, explosions and rocket/missal plumes. These are all single objects or events caused by them. Accordingly, Hagerty et al. relates to a single object and not a plurality of separate objects. Therefore, Applicant respectfully submits that Hagerty et al. does not disclose the invention as recited in Claim 1.

Furthermore, Applicant respectfully submits that there is no motivation to modify the teachings of Hagerty et al. to make the invention recited in Claim 1. Therefore, Applicant respectfully submits that Claim 1 is in condition for allowance. Applicant also respectfully submits that Claim 2 is in condition for allowance to the extent that Claim 1 is in condition for allowance and for containing additional patentable subject matter.

Claims 3-11

In the Office Action, the Examiner indicated that Claim 3 would be in condition for allowance if the subject matter of its base claim and any intervening claims was incorporated into Claim 3. By this response, Applicant has incorporated the subject matter of base Claim 1 and intervening Claim 2 into Claim 3. Hence, Applicant respectfully submits that Claim 3 is now in condition for allowance. Furthermore, Applicant respectfully submits that since Claim 3 is now believed to be in condition for allowance, Claim 4-10 are also believed to be in condition for allowance. Also, Claims 4-10 are in condition for allowance for containing additional patentable subject matter.

In the Office Action, the Examiner rejected Claim 11 under 35 U.S.C. § 112, second paragraph, based on a view that "the templates" does not have sufficient antecedent basis. By this response, Applicant has amended the dependency of Claim 11 from being dependent upon Claim 1 to being dependent upon Claim 3. Claim 3 recites a predefined set of templates which provides the antecedent basis for "the templates" recited in Claim 11. Hence, Applicant respectfully submits that the Examiner's rejection of Claim 11 under 35 U.S.C. § 112, second paragraph has been overcome. Moreover, Applicant respectfully submits that Claim 11 is believed to be in condition for allowance for being dependent upon a claim believed to be in condition for allowance, specifically, Claim 3.

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Claims 12-22

Claims 12-22 have been allowed.

CONCLUSION

On the basis of the foregoing, Applicant respectfully submits that Claims 1-22 are in condition for allowance based on a view that all stated grounds of rejection and objections have been overcome. Accordingly, an early Notice of Allowance is respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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By:



Bruce B. Brunda

Customer No.: 007663

Registration No. 28,497

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

Fax: (949) 855-6371

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